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*Via E-Filing*

February 5, 2021

Patricia Nachand  
Regional Director  
National Labor Relations Board, Region 25  
575 N. Pennsylvania St., Room 238  
Indianapolis, Indiana 46204

RE: Nestle-Teamsters Local Union No. 135  
Case No. 25-RC-272018

Dear Ms. Nachand:

I am lead counsel for the employer, Nestle USA, Inc., in this case. I write to request that the hearing currently set for February 22 be pushed by two days to February 24. I have a previously-scheduled labor arbitration hearing with the IAM District 10 union on February 22 before Arbitrator Stephen Hayford (see attached confirmation). The February 22 hearing date for that arbitration case was committed to months ago and cannot be postponed at this point. The arbitration hearing should conclude either late on the 22nd, or latest the morning of the 23rd, leaving me some final preparation time on for a hearing in this RC case if it could be held on February 24. Also, for the sake of completeness I wish to mention that my colleague who also has appeared in this case, Timothy Kamin, is unavailable before February 24 for hearing. He has a prior commitment to a labor Board hearing the first part of that week that cannot be changed.

This morning I spoke and emailed about this request with Mr. Dustin Roach who signed the petition on behalf of Teamsters Local 135. He said he would check with his counsel and get back to me regarding the Union's position on our request. He later responded by email that the Union opposed my request, but he did not offer any reason or explanation.

In conjunction with this request to push the hearing date by two days, we also request that you adjust by two days the deadlines for submission of an employer position statement and the Union's response.

February 5, 2021

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As professionals we often struggle to juggle the demands of a rigorous schedule. Sometimes, as in this instance, we need to seek the professional courtesy of our opposing party as well as the Board to accommodate our need to fulfill prior professional commitments, but also fulfill our obligations to a client, like Nestle in this instance, that has engaged us to represent it. We respectfully request that professional courtesy now, and ask you to extend the current hearing date and position statement deadlines by two days. Thank you for your consideration.

Sincerely,



Bernard J. Bobber

BJB:jjja

Enclosure

Cc: Timothy Kamin

45924905.1

**From:** Hayford, Stephen L. <shayford@indiana.edu>  
**Sent:** Monday, February 1, 2021 8:31 AM  
**To:** Bur; Alex Hoekstra; Bobber, Bernard J. (Bud)  
**Cc:** jh@previant.com  
**Subject:** National Rivet and Mfg. Co. & IAMAW, District 10, Local 2560 FMCS Case No. 211013-00364

**[Caution: Email received from external source]**

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Dear Messrs. Bur and Hoekstra:

I write to confirm that we are moving forward the hearing as scheduled on February 22, 2021. Presuming that we will move forward, I ask if the Parties are willing to conduct the hearing virtually via Zoom. I have conducted more than a dozen virtual hearings via Zoom and have found them to be a viable substitute for an in-person hearing. If both of the Parties are willing to proceed virtually I will forward a Proposed Virtual Hearing Protocol that I suggest we follow.

I look forward to hearing from you soon.

Sincerely,

Stephen Hayford  
Arbitrator

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**From:** Hayford, Stephen L.  
**Sent:** Tuesday, November 24, 2020 8:44 PM  
**To:** 'Bur' <bur@nationalrivet.com>; 'Alex Hoekstra' <hoekalex@yahoo.com>  
**Cc:** 'jh@previant.com' <jh@previant.com>; 'Bud Bobber' <bernard.bobber@ogletreedeakins.com>  
**Subject:** National Rivet and Mfg. Co. & IAMAW, District 10, Local 2560 FMCS Case No. 211013-00364

Dear Messrs. Bur and Hoekstra:

Pursuant to the correspondence below, this email will confirm the hearing date of Monday, February 22, 2021, in the above-referenced Matter. The hearing will be held at a site in the Bay area to be determined by the Parties and communicated to the Arbitrator. I suggest a hearing start time of 10:00 a.m. CST.

I have attached a copy of my current In-Person Hearing Protocol. Please let me know if you have any questions or suggestions regarding the Protocol.

My per diem fee for this FMCS Case is \$1,600.00. If the hearing is cancelled or postponed on or after January 22, 2021, a \$1,600.00 cancellation/postponement fee will be assessed. In addition, if the Arbitrator incurs a hotel cancellation fee because of a late cancellation/postponement of the hearing, that fee will be assessed to the Parties.

I look forward to working with you both.

Sincerely,

Stephen Hayford  
Arbitrator

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**From:** Hayford, Stephen L.  
**Sent:** Friday, November 13, 2020 12:49 PM  
**To:** 'Bur' <[bur@nationalrivet.com](mailto:bur@nationalrivet.com)>; Alex Hoekstra <[hoekalex@yahoo.com](mailto:hoekalex@yahoo.com)>  
**Cc:** [jh@previant.com](mailto:jh@previant.com); Bud Bobber <[bernard.bobber@ogletreedeakins.com](mailto:bernard.bobber@ogletreedeakins.com)>  
**Subject:** National Rivet and Mfg. Co. & IAMAW, District 10, Local 2560 FMCS Case No. 211013-00364

Gentlemen:

I have placed the February 22, 2021, hearing date on my calendar and will follow up with a hearing date confirmation email.

Arbitrator Hayford

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**From:** Bur <[bur@nationalrivet.com](mailto:bur@nationalrivet.com)>  
**Sent:** Friday, November 13, 2020 11:52 AM  
**To:** Alex Hoekstra <[hoekalex@yahoo.com](mailto:hoekalex@yahoo.com)>  
**Cc:** Hayford, Stephen L. <[shayford@indiana.edu](mailto:shayford@indiana.edu)>; [jh@previant.com](mailto:jh@previant.com); Bud Bobber <[bernard.bobber@ogletreedeakins.com](mailto:bernard.bobber@ogletreedeakins.com)>  
**Subject:** [External] Re: FMCS Case No. 211013-00364

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

The Company would be open for the February 22 date, assuming that it is still available.

Thanks,  
Bur Zeratsky  
President  
National rivet

On Nov 13, 2020, at 10:35 AM, Alex Hoekstra <[hoekalex@yahoo.com](mailto:hoekalex@yahoo.com)> wrote:

Arbitrator Hayford,

The Union is available for the February and March dates.

Thanks,

Alex Hoekstra  
Directing Business Representative  
IAMAW District 10

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**From:** Hayford, Stephen L. <[shayford@indiana.edu](mailto:shayford@indiana.edu)>  
**Sent:** Tuesday, November 3, 2020 3:19 PM  
**To:** [bur@nationalrivet.com](mailto:bur@nationalrivet.com); [iamdistrict10@gmail.com](mailto:iamdistrict10@gmail.com)  
**Subject:** National Rivet and Mfg. Co. & IAMAW, District 10, Local 2560 - FMCS Case No. 211013-00364

Dear Messrs. Zeratsky and Hoekstra:

I have received notice from FMCS of my selection as Arbitrator in the above-referenced Matter. I accept the appointment.

I offer the following hearing dates:

- January 25, 2021;
- February 22 and 25, 2021;
- March 8, 9 and 12, 2021.

Please advise as to which of the offered dates are mutually acceptable.

Sincerely,

Stephen Hayford  
Arbitrator

**From:** [arbsvc@fmcs.gov](mailto:arbsvc@fmcs.gov) <[arbsvc@fmcs.gov](mailto:arbsvc@fmcs.gov)>  
**Sent:** Tuesday, November 3, 2020 1:21 PM  
**To:** Hayford, Stephen L. <[shayford@indiana.edu](mailto:shayford@indiana.edu)>  
**Cc:** [bur@nationalrivet.com](mailto:bur@nationalrivet.com); [iamdistrict10@gmail.com](mailto:iamdistrict10@gmail.com)  
**Subject:** [External] Appointment for case #211013-00364

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Hayford, Stephen L you have been appointed to Case #211013-00364.

Employer: National Rivet & Mfg. Company  
Employer Rep: Zeratsky, Bur  
Phone: (920)324-5511  
Email: [bur@nationalrivet.com](mailto:bur@nationalrivet.com)

Union: IAMAW, District 10  
Union Rep: Hoekstra, Alex  
Phone: (920)219-4919  
Email: [iamdistrict10@gmail.com](mailto:iamdistrict10@gmail.com)

If you are unable to view the attachment Login at <https://arbitration.fmcs.gov>. On your home page under Open Appointed Cases click the button to Re-print Appointment Letter.

**IMPORTANT: Please do not respond to this email address. It is not monitored. To notify us, email [arbitration@fmcs.gov](mailto:arbitration@fmcs.gov).**